

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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EDWARD STEWART,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 2:20-cv-00776-JMG
	:	
DAVID FELDMAN, <i>et al.</i> ,	:	
Defendants.	:	

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**ORDER DENYING PLAINTIFF’S MOTION FOR ATTORNEY’S FEES**

**AND NOW**, this 19<sup>th</sup> day of August, 2020, upon consideration of Plaintiff’s Motion for Attorney’s Fees (Doc. 32), and Defendant’s Response and Request for Further Relief (Doc. 36),

**IT IS HEREBY ORDERED THAT:**

Plaintiff’s Motion is DENIED.<sup>1</sup>

BY THE COURT:

/s/ John M. Gallagher  
JOHN M. GALLAGHER  
United States District Court Judge

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<sup>1</sup> Plaintiff moves for attorney’s fees after the Court denied Defendants’ motion for protective order. See Order, ECF No. 31. If a court denies a party’s discovery motion, it may impose the moving party to reimburse its opponent’s attorney’s fees for litigating the motion. Fed. R. Civ. P. 37(a)(5)(A). However, the court must not impose attorney’s fees if “the opposing party’s nondisclosure, response, or objection was substantially justified.” Fed. R. Civ. P. 37(a)(5)(A)(ii). Such justified nondisclosure entails “justification to a degree that could satisfy a reasonable person that parties could differ as to whether the party was required to comply with the disclosure request.” Grider v. Keystone Health Plan Central, Inc., 580 F.3d 119, 140 n.23 (3d Cir. 2009). In this case, Defendants sought a protective order to protect trade secrets and commercial information. See Def.’s Mot. for Prot. Order, ECF No. 28. Protective orders can be appropriate when such information is sought. See Fed. R. Civ. P. 26(c)(1)(G). We find Defendants’ concerns to be justified and validated by Fed. R. Civ. P. 26. The Court recognized their concerns, and we ordered a stipulated confidentiality order to assuage them. The Court **DENIES** Plaintiff’s motion for attorney’s fees. Furthermore, the Court denies Defendant’s request for attorney’s fees to litigate this motion on the same grounds.